

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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Attorneys for Defendant LG Electronics USA, Inc.

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DEBORAH MOULTON, STEVEN K. COLE and :
DAVID SLEBVAK, individually and on behalf of :
all others similarly situated, :
Plaintiff, :
: *Document Electronically Filed*

- against -

LG ELECTRONICS, INC. and LG :
ELECTRONICS USA, INC. :

Defendants.

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**NOTICE OF DEFENDANT'S MOTION TO DISMISS THE FIRST AMENDED CLASS
ACTION COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF
MAY BE GRANTED**

PLEASE TAKE NOTICE that the undersigned, counsel for Defendant LG Electronics USA, Inc. ("Defendant"), shall move on July 2, 2012, at 9:00 a.m., or as soon thereafter as counsel may be heard, before the United States District Court for the District of New Jersey, the Honorable Jose L. Linares presiding, at the Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, for an Order Dismissing Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b).

PLEASE TAKE FURTHER NOTICE that counsel shall rely on the accompanying Memorandum of Law and Certification of Melanie A. Grossman (with attached exhibits) in support of said Motion.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought in said Motion must be timely filed with the Court and served on counsel for Defendant.

PLEASE TAKE FURTHER NOTICE that Defendant hereby requests oral argument on said Motion.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is annexed hereto.

Dated: April 27, 2012

Respectfully submitted,

By: Christopher N. Tomlin

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